

New Foundation Formed to Support Judiciary



by **Lloyd H. Milliken, Jr.**

A strong, independent, responsive judiciary adhering to the rule of law is a bulwark to a democratic society. Although every citizen

has an interest in the maintenance of an effective judicial system, as an officer of the court the lawyer's obligation in this regard is of paramount importance.

It was with this in mind that the Board of Directors of DRI on October 6, 2004, created the National Foundation for Judicial Excellence ("NFJE"). Although created by DRI, the NFJE is an independent, 501(c)(3) charitable foundation whose mission is to *address important legal policy issues effecting the law and civil justice system by providing meaningful support and education to the judiciary, by publishing scholarly works and by engaging in other efforts to continually enhance and ensure judicial excellence and fairness for all engaged in the judicial process.*

The action of the DRI Board of Directors was a culmination of the hard work of a Task Force created by DRI President Richard Boyette in July 2004. The Task Force established committees including mission statement, judicial ethics, foundation governance, budget and funding, educational content and program design, and location. The primary goals of the Task Force were to: (1) ensure that any programs undertaken which involved participation by judges would in no way offend the obligation of all judges to conform to the Canons of Judicial Ethics; and (2) develop programs and projects that would present a balanced view of any issue under discussion without promoting a particular agenda or point of view.

The NFJE was incorporated in Illinois on October 7, 2004, and granted 501(c)(3) status shortly thereafter. Although initially

operating under a grant from DRI, the goal of the NFJE is to be financially independent in as short a time as possible. It will seek contributions from lawyers and any other person or organization interested in promoting a strong, effective and impartial judiciary.

During the first six months of its existence, the NFJE has concentrated its efforts on an initial program, the first Annual Judicial Symposium, scheduled for July 15-16,



2005, in Chicago. This Judicial Symposium will present a balanced discussion of the important issue of science in the courtroom. Titled "Justice and Science," the Symposium will feature:

- A keynote luncheon address from NPR's legal affairs correspondence, Nina Totenberg;
- Presentations by three of the foremost legal scholars on the topic of scientific evidence;
- An examination of an expert witness and arguments for admission and exclusion of his evidence by leading members of the plaintiff and defense bars;
- Breakout sessions where judges will discuss and debate what they have seen and heard.

This promises to be a dynamic, interactive and enlightening program.

The Foundation has reserved accommodations at the venerable Drake Hotel for a limited number of judicial guests. Hotel accommodations and airfare will be under-

written by the Foundation. Initially, invitations have been sent to the chief justices and chief judges of each state supreme and intermediate appellate court, as well as to appellate judges in Canada. Each chief justice and chief judge, in the event that he or she cannot attend the symposium, will be offered the opportunity to designate a colleague to attend the symposium. Other state appellate court judges will also receive invitations to the extent that accommodations are available.

The Board of Directors of the Foundation have been keenly aware of the necessity of insuring that those judges attending the Judicial Symposium can do so in full compliance with ethical considerations. Research by the Foundation's Judicial Ethics Committee led to the firm conclusion that attendance by judges would not compromise ethical obligations. Erring on the side of caution, the NFJE sought and received an evaluation of the Judicial Symposium with regard to ethical considerations from Professor Geoffrey C. Hazard, Jr., a leading expert on judicial ethics. Professor Hazard has served as the reporter for the ABA's Model Rules of Professional Conduct. After evaluating both the concept of the Judicial Symposium and the content of the program, Professor Hazard has determined that judges may ethically attend this educational offering.

Officers of the NFJE are Robert D. Monnin (Chair of the Board), Lloyd H. Milliken, Jr. (President), Robert E. Scott, Jr. (Vice President), and John R. Kouris (Secretary-Treasurer). Members of the Board of Directors include Richard T. Boyette, David E. Dukes, Kelly A. Freeman, Karen R. Glickstein, F. Drake Lee, Pat Lysaught, William J. Ruane, William R. Sampson, Sheryl J. Willert as well as Messrs. Monnin, Milliken and Scott. Heidi A. Voorhees serves as Managing Director and Margot K. Vetter as Senior Program Specialist.

The NFJE is truly an exciting undertaking. Its success will depend on the commitment and hard work of its officers, board members, committee members and staff, as well as the support from members of the bar and other persons and organizations (public and private) who are interested in supporting and enhancing our judicial system and the dedicated men and women who serve as our judges.

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